

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by	)	
Personal Representative Mildred Haynes,	)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her	)	
own behalf,	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
CITY OF MILWAUKEE, WISCONSIN	)	
and DOMINIQUE HEAGGAN-BROWN,	)	
	)	
Defendants.	)	

## **EXHIBIT 27**

Sgt. Allen Groszczyk Deposition Transcript

David B. Owens  
Danielle Hamilton  
LOEVY & LOEVY  
311 N. Aberdeen St, Third FL  
Chicago, IL 60607  
(312) 243-5900

In the Estate of Sylville K. Smith vs City of Milwaukee, et al.

2:17 cv 862-LA

Transcript of the Testimony of:

**SGT. ALLEN GROSZCZYK**

October 23, 2018



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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The ESTATE of SYLVILLE K. SMITH,  
by Personal Representative Mildred  
Haynes, Patrick Smith, and Mildred  
Haynes, on her own behalf,

Plaintiffs,

vs.

Case No. 2:17 cv 862-LA

CITY OF MILWAUKEE, WISCONSIN  
AND DOMINIQUE HEAGGAN-BROWN,

Defendants.

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30(b)(6) Deposition of SGT. ALLEN GROSZCZYK

Tuesday, October 23rd, 2018

9:12 a.m.

at

MILWAUKEE CITY ATTORNEY'S OFFICE  
841 North Broadway, Seventh Floor  
Milwaukee, Wisconsin

Reported by Kealoha A. Schupp, RPR

30(b)(6) deposition of SGT. ALLEN GROSZCZYK, a witness in the above-entitled action, taken at the instance of the Plaintiffs, pursuant to the Federal Rules of Civil Procedure, pursuant to notice, before Kealoha A. Schupp, RPR and Notary Public, State of Wisconsin, at MILWAUKEE CITY ATTORNEY'S OFFICE, 841 North Broadway, Seventh Floor, Milwaukee, Wisconsin, on the 23rd day of October, 2018, commencing at 9:12 a.m. and concluding at 10:12 a.m.

A P P E A R A N C E S:

LOEVY & LOEVY, by  
Mr. David B. Owens  
Ms. Danielle Hamilton  
311 North Aberdeen Street, Third Floor  
Chicago, Illinois 60607  
Appeared on behalf of Plaintiffs.

MILWAUKEE CITY ATTORNEY'S OFFICE, by  
Ms. Naomi E. Gehling  
841 North Broadway, Seventh Floor  
Milwaukee, Wisconsin 53202  
Appeared on behalf of Defendants.

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\*\* I N D E X \*\*

E X A M I N A T I O N

BY MR. OWENS..... 4

PREVIOUSLY MARKED EXHIBITS

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E X H I B I T S

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Exh. 9 Training Records of Heaggan-Brown	48

(Original exhibits retained by court reporter and  
attached to original transcript. Copies attached to  
transcript copies as requested.)

R E Q U E S T S

ITEM REQUESTED	PAGE
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(None.)

## TRANSCRIPT OF PROCEEDINGS

ALLEN GROSZCZYK, called as a witness  
herein, having been first duly sworn on oath, was  
examined and testified as follows:

## EXAMINATION

BY MR. OWENS:

Q Would you please state and spell your name for the  
record, sir.

A Sergeant Allen Groszczyk. A-L-L-E-N,  
G-R-O-S-Z-C-Z-Y-K.

Q And where are you employed?

A City of Milwaukee Police Department.

Q What do you do at the City of Milwaukee Police  
Department?

A I'm the range master for the Milwaukee Police  
Department.

Q What's a range master?

A I run all the firearms training for the police  
department, and I also am in charge of tactical  
training for recruit classes and in-service.

Q And, just, how long have you been with the  
department, if you can just describe --

A Just over 25 years.

Q Okay. Have you given a deposition before, sir?

A Yes.

1 phrase "then existing," right? Do you see that?

2 A Yes.

3 Q All right. Under the policies and practices of  
4 the Milwaukee Police Department, does each use of  
5 deadly force have to be justified on its own?

6 A Depends what you mean by the word "each use of  
7 deadly force."

8 We use -- we use that -- we're  
9 looking at a deadly force incident as a whole  
10 incident onto itself.

11 Q Okay. So the department doesn't analyze, in terms  
12 of what the policies and practices are, the --  
13 sort of like a shot-by-shot analysis; it evaluates  
14 an incident holistically?

15 A Yeah. In a way, it's -- it's looked at as a whole  
16 incident, as an incident onto itself. Because  
17 these instances are often dynamic and moving and  
18 mobile, to parse it out into individual instances  
19 like that, it's -- that gets to be -- it's  
20 difficult, unless something is out of the ordinary  
21 where -- even if it is a bigger incident, I think  
22 it's all looked at as one incident --

23 Q Viewed --

24 A -- one situation.

25 Q Sorry. Were you finished?

1 A That's what it says here, "significant."

2 Q And that's the policy of the department that was  
3 in effect in 2016?

4 A Yes.

5 Q Wisconsin's an open carry state, correct?

6 A Yes.

7 Q And an officer would not be justified in shooting  
8 somebody just because they were openly carrying a  
9 gun, right?

10 A No.

11 Q An officer would not be justified in shooting or  
12 using deadly force just because somebody was  
13 running away from them with a gun, correct?

14 A On its face. There's more circumstances. That's  
15 how -- each, you know, incident is -- has more  
16 facts, so...

17 Q Okay. So an officer would need a reason to  
18 believe that that person running away with a gun  
19 was going to harm the officer or somebody else,  
20 right?

21 A Yes.

22 Q And it would have to be, under this policy, a  
23 significant threat, correct?

24 A Yes.

25 Q All right. What are the things, as a matter of



1 the situation at hand. I mean, you can't just  
2 walk around with it all the time, but it's --

3 Q What's the limit, sir?

4 A We make it, as it says in B, when you reasonably  
5 believe you're going to need it, and -- in the  
6 performance of your duties. There's a lot of --  
7 like I already explained, a lot of different  
8 situations.

9 We don't get into -- we try to get  
10 the officers, as I've explained, to understand how  
11 dangerous situations are, and then they can decide  
12 to draw the weapon and have it in hand if they  
13 anticipate there may be a deadly force threat.

14 So it's a very -- it's not a very  
15 hard and fast line. It's often based off  
16 experience and based off past -- past experiences  
17 and training.

18 Q So is it appropriate for police officers to draw  
19 their firearms and point them at suspects when  
20 trying to write a parking ticket?

21 A No.

22 Q Now, one thing that I wanted to understand was  
23 the -- what written policy, if any, would govern a  
24 situation in which an officer has created or made  
25 decisions that have escalated the situation to